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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

LANA T. HALVERSON,)	Cause No.
)	
Plaintiff,)	
)	
vs.)	COMPLAINT AND JURY DEMAND
)	
ALIN C. POPOVICI; and,)	
TRAPPERS TRANSPORT, LTD.,)	
)	
Defendants.)	
_____)	

COMES NOW Plaintiff, demanding trial by jury, and for her complaint against the Defendants, alleges as follows:

PARTIES

1.

Plaintiff, Lana T. Halverson, is a citizen of the United States and the State of Montana, and a resident of Yellowstone County, Montana.

2.

Defendant, Alin C. Popovici (hereinafter “Popovici”), is a resident of Calgary, Alberta, and a citizen of Canada.

3.

Defendant, Trappers Transport, Ltd. (hereinafter “Trappers”), is a for profit corporation organized under the laws of Canada, with its principal place of business in Winnipeg, Manitoba, Canada. Trappers is a commercial business that conducts interstate transportation with terminals in Winnipeg, Manitoba and Calgary, Alberta. Trapper’s agent for service of process is located in Winnipeg, Manitoba, Canada.

JURISDICTION AND VENUE

4.

This Court has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332(a)(2), because this is a civil action between a citizen of the United States, a citizen of a foreign state, and a business entity of a foreign state which carries on commercial activity in the United States, where the matter in controversy exceeds \$75,000, exclusive of interest and costs.

5.

Plaintiff is a citizen of Montana, Popovici is a resident of Canada, and Trappers is a corporation organized under the laws of Canada which conducts business in both Canada and the United States.

6.

Plaintiff seeks damages which substantially exceed \$75,000.

7.

Venue is proper in the Billings division of this Court because Plaintiff resides in Yellowstone County, within the Billings division.

GENERAL ALLEGATIONS

8.

On or about July 4, 2018, at approximately 12:25 p.m., Plaintiff was a passenger in an automobile traveling northbound on Montana Highway 3 near Acton, Yellowstone County, Montana. Said automobile was owned and being operated by Janet Butorovich (hereinafter “Butorovich”).

9.

On or about July 4, 2018, Popovici was in possession, custody and control of a semi-truck with a trailer weighing over 26,000 pounds. The registered owner of said semi-truck and trailer was Trappers Transport Ltd.

10.

On or about July 4, 2018, at approximately 12:25 p.m., Popovici, in the course and scope of his employment with Trappers, was also traveling northbound on Montana Highway 3, following immediately behind Butorovich’s vehicle.

11.

As Butorovich slowed her vehicle to attempt a right turn off of Highway 3 into the parking lot of 3 North & Grill, at or around mile marker 16.9, Popovici was following too closely, braked and swerved to the left, but Popovici was unable to slow down in time to avoid impact with Butorovich's vehicle. Popovici's semi-truck violently rear-ended Butorovich's vehicle, resulting in the death of Butorovich and the serious injury of Plaintiff.

12.

Montana Highway Patrol Trooper Kirk Robbins conducted an investigation of the accident and concluded "[t]he factor of this crash was Mr. Popovici driving in a careless manner. He did not give himself enough room to react to Ms. Butorovich slowing to turn. Mr. Popovici did not brake until either right before the collision or right after it."

13.

On April 5, 2019, the Yellowstone County Attorney's Office filed a criminal Complaint in the Justice Court, charging Popovici with two counts of Negligent Endangerment, a misdemeanor, alleging Popovici had negligently engaged in conduct that created a substantial risk of death or serious bodily injury to another.

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14.

As a result of Popovici's negligence and careless driving, Plaintiff suffered serious personal injuries and damages.

FIRST CAUSE OF ACTION

(Negligence and Negligence Per Se of Popovici)

15.

Plaintiff realleges paragraphs 1 through 14 above as paragraphs 1 through 14 of the First Cause of Action.

16.

Popovici had a duty to operate his vehicle in a safe, prudent and responsible manner, and in compliance with Montana law.

17.

Popovici breached his duty to operate his vehicle in a safe, prudent and responsible manner and violated Montana law when he drove inattentively and carelessly, followed too closely behind Butorovich's vehicle, resulting in his not having enough time or room to react to changing conditions while driving at highway speeds, and violently collided with Butorovich's vehicle, meaning that he has committed common law negligence and negligence per se.

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18.

Popovici's breach of his duty to operate his vehicle in a safe, prudent and responsible manner and his violation of Montana traffic laws caused damages to Plaintiff.

19.

As a result of Popovici's negligence and negligence per se, Plaintiff suffered serious injuries and damages as herein alleged.

SECOND CAUSE OF ACTION

(Vicarious Liability)

20.

Plaintiff realleges paragraphs 1 through 19 above as paragraphs 1 through 19 of the First Cause of Action.

21.

At all times relevant herein, Popovici was employed by and was an agent, servant or employee of Trappers.

22.

Popovici's actions as set forth above were committed in the course and scope of his employment with Trappers.

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23.

As Popovici's employer, Trappers is responsible for Popovici's acts of negligence committed within the scope of his employment by virtue of respondeat superior.

THIRD CAUSE OF ACTION

(Negligence of Trappers)

24.

Plaintiff realleges paragraphs 1 through 23 above as paragraphs 1 through 23 of the First Cause of Action.

25.

Trappers owed a duty to Plaintiff to exercise reasonable care in hiring, training, supervising, and managing its employees, agents and representatives, and in the entrustment of their semi-trucks and trailers traveling on Montana roads.

26.

Trappers failed to properly hire, train or supervise Popovici in the proper operation and maintenance of semi-trucks and trailers traveling on Montana roads.

27.

Trappers breached its duty to Plaintiff by failing to properly hire, train or supervise its employees, specifically Popovici.

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28.

Trappers' breach of its duty to properly hire, train or supervise its employees caused damages to Plaintiff.

29.

As a result of Trappers' negligence, Plaintiff suffered serious injuries and damages as herein alleged.

DAMAGES

30.

As a result of Popovici's negligent and careless driving, and Trappers' negligent failure to exercise reasonable care in hiring, training, supervising and managing its employee, agent and representative, namely Popovici, who was operating Trappers' semi-truck and trailers traveling on Montana roads in the course and scope of his employment with Trappers, Plaintiff suffered serious and permanent injuries, including a fracture of the right pedicle and superior articulating facet at the T4-T5 level, contusion of the left T4-T5 facets, interspinous ligament sprain injury at the T4-T5 level, and a closed head injury. Plaintiff's injuries required lengthy medical treatment, including wearing a TLSO back brace with cervical extension for several months, inpatient and outpatient physical therapy, occupational therapy, and speech therapy to address Plaintiff's physical and cognitive deficits, and continued evaluation and treatment for ongoing cervical and neurological issues stemming from the accident.

31.

As a result of Popovici's negligent and careless driving, and Trappers' negligent failure to exercise reasonable care in hiring, training, supervising and managing its employee, agent and representative, namely Popovici, who was operating Trappers' semi-truck and trailers traveling on Montana roads in the course and scope of his employment with Trappers, Plaintiff has incurred and will continue to incur substantial medical expenses; she has experienced and will continue to experience physical and mental pain and suffering; she has suffered and will continue to suffer a loss of her personal services; she has suffered and will continue to suffer a loss of her established course of life.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Popovici and Trappers as follows:

1. For reasonable compensation for past and future medical and related expenses;
2. For reasonable compensation for Plaintiff's physical and mental pain and suffering;

3. For reasonable compensation for Plaintiff's loss of enjoyment of established course and way of life;
4. For reasonable compensation for Plaintiff's loss of personal services;
5. For costs and disbursements incurred herein; and,
6. For such other and further relief as the Court may deem just.

DATED this 30th day of December, 2020.

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